

**IN THE DRAWINGS**

Please amend Figure 7 as shown on the enclosed replacement drawing sheet.

### REMARKS

In the Final Office Action of October 6, 2005, the Examiner rejected all pending claims. In this Amendment After Final, independent claims 1, 15, 29, 34, 40, and 41 are amended to clarify that the data block identifier is a data block identifier for the requested data block. No claims are added or canceled so that claims 1-48 remain pending.

I. Objection to Figure 7:

Figure 7 has been amended as per the Examiner's request to overcome the objection. Applicants respectfully submit the objection has been overcome and request that it be withdrawn.

II. Rejection of claims 1-3, 6-13, 15-17, 20-27, 29, 31, 34, 35, 37, 40, 41, 44, and 46-48 under 35 U.S.C. §102(e) as being allegedly anticipated by *Acharya, et al. (U.S. Patent No. 6,826,593) ("Acharya")*:

Applicants respectfully traverse the rejection.

As amended for clarity, claims 1, 15, 29, 34, 40, and 41 are directed to a data block identifier that identifies the data block that that was requested. The Examiner construes *Acharya's* web page request to be a request for several data blocks including requests for each image in the web page. The Examiner then argues that constituent data in a first data block (HTML code containing a link to an image) is used to derived a data block identifier (the link to the image) for a second data block (the image). In contrast, the data block identifier in claims 1, 15, 29, 34, 40, and 41 is derived from constituent data in the very same data block. Whereas *Acharya* allegedly discloses deriving a data block identifier for an image data block from constituent data in a different data block, *i.e.*, the data block of HTML code, *Acharya* cannot anticipate the present claims.

Therefore, for at least the reasons discussed above, *Acharya* fails to disclose or even suggest claims 1, 15, 29, 34, 40, and 41. Claims 2-14, 16-28, 30-33, 35-39, and 42-48 depend directly or indirectly from claims 1, 15, 29, 34, 40, or 41 and are therefore allowable for at least the same reasons that claims 1, 15, 29, 34, 40, and 41 are allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

III. Rejection of claims 1-3, 6-17, 20-29, 31, 33-35, 38, 40, 41, 44, and 46-48 under 35 U.S.C. §102(e) as being anticipated by *Lewis, et al. (U.S. Patent No. 6,553,376)* ("*Lewis*"):

Applicants respectfully disagree with the rejection.

The Examiner argues that *Lewis*' returning a MRF that includes instructions for where to locate the media file anticipates Applicants' claimed subject matter of deriving a data block identifier from the constituent data that comprises a requested data block. Applicants respectfully disagree. The Examiner equates *Lewis*' requested media file to Applicants' claimed requested data block. *Lewis*' MRF is a file that includes instructions for where to locate *Lewis*' media file, and instructions for the type of media player required to view the media file. *Lewis*, 5:54-59. The Examiner argues that *Lewis*' system derives the MRF file from the media file because the MRF file includes the type of media player needed based on the media file's type. However, *Lewis* does not teach obtaining constituent data comprising the data block. *Lewis*, 5:54-59. Accordingly, *Lewis* cannot teach deriving a data block identifier from obtained constituent data comprising the data block because that constituent data was never obtained. Furthermore, if an identifier exists in *Lewis*, it is not the MRF file, but the URL within the MRF file. *Lewis* does not teach that this URL is derived from constituent data comprising the data block (media file). Moreover, the type of media player required may be determined from the file type, which is not constituent data of the data block, thus derivation from constituent data is neither taught nor necessitated.

Accordingly, *Lewis* fails to disclose or even suggest deriving a data block identifier from the constituent data that comprises a requested data block. For at least this reason, *Lewis* fails to disclose or even suggest claims 1, 15, 29, 34, 40, and 41.

Claims 2-14, 16-28, 30-33, 35-39, and 42-48 depend directly or indirectly from claims 1, 15, 29, 34, 40, or 41 and are therefore allowable for at least the same reasons that claims 1, 15, 29, 34, 40, and 41 are allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

IV. Rejection of claims 30, 32, and 39 under 35 U.S.C. §103(a) as being unpatentable over *Acharya*:

Applicants respectfully disagree with the rejection.

Independent claims 29 and 34 are allowable over *Acharya* as discussed above. Claims 30, 32, and 39 depend directly or indirectly from claim 29 or 34 and are therefore allowable for at least the same reasons that claims 29 and 34 are allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

V. Rejection of claims 4, 5, 18, 19, 36, 42, 43, and 45 under 35 U.S.C. §103(a) as being unpatentable over *Acharya* in view of what is allegedly known in the art:

Applicants respectfully disagree with the rejection.

Independent claims 1, 15, 34, and 41 are allowable over *Acharya* as discussed above. Applicants respectfully submit the Examiner has failed to cite a reference that discloses or suggests each and every element of claims 1, 15, 34, and 41. Further, Applicants submit the subject matter of claims 1, 15, 34, and 41 was not known in the art. The Examiner takes Official Notice that “the web generally uses TCP/IP or UDP/IP packets and often uses Ethernet, and further takes Official notice that TCP and UDP use a 16-bit checksum sequential number field, while Ethernet uses CRC to ensure data reliability.” Applicants respectfully traverse this assertion. The Examiner further states that “Applicant further admits that the CRC and ADLER checksums are well known in the art.” Applicants respectfully submit that Applicants, in fact, have made no such admission.

The Examiner takes Official Notice of the state of the art, *i.e.*, that “given the knowledge that TCP or UDP and Ethernet can be used to transport the data blocks taught by Archarya, and further given the knowledge that CRC, ADLER, and 16-bit checksums are well-known techniques, a person having ordinary skill in the art would have readily recognized the desirability and advantages of including the CRC or ADLER checksums...” However, “judicial or administrative notice may [not] be taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice.” *In re Eynde*, 480 F.2d 1364, 1370, 178

USPQ 470, 474 (CCPA 1973). An assessment of basic knowledge and common sense that is not based on any evidence in the record lacks requisite evidentiary support. *In re Zurko*, 258 F.3d 1379, 1385, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001). Accordingly, Applicants respectfully submit that the Examiner's contention requires a reference to support it. Therefore, *Acharya* in view of the allegedly known art still fails to disclose or suggest claims 1, 15, 34, and 41.

Claims 4, 5, 18, 19, 36, 42, 43, and 45 depend directly or indirectly from claim 1, 15, 34, or 41 and are therefore allowable for at least the same reasons that claims 1, 15, 34, and 41 are allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

#### **CONCLUSION**

In view of the foregoing, it is submitted that claims 1-48 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

Date: December 14, 2005

By: 

A. Wesley Ferrebee  
Reg. No. 51, 312

Customer No. 26263  
SONNENSCHN NATH & ROSENTHAL LLP  
P. O. Box 061080  
Wacker Drive Station - Sears Tower  
Chicago, Illinois 60606-1080  
Telephone (202) 408-6832  
Facsimile: (312) 876-7457